

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUL 01 2005

JAMES W. McCORMACK, CLERK
By: Sean Surman DEP CLERK

TERRY WESLEY GUEST,

Plaintiff,

vs.

No. 3:04cv00290 SWW

CRAIGHEAD COUNTY SHERIFF'S
DEPARTMENT; JACK McCANN,
Sheriff of Craighead County; CITY OF
BROOKLAND, a municipality;
BROOKLAND POLICE DEPARTMENT;
MARK RUSSEY, Chief of Police of
Brookland; AARON MURPHEY, individually
and in his official capacity as a police officer
for the Brookland Police Department;
DEPUTY BASSHAM, DEPUTY JOHNSON,
DEPUTY RICHARDSON, individually and
in their official capacities as deputies for the
Craighead County Sheriff's Department in
Jonesboro, Arkansas,

Defendants.

ORDER


This is a 42 U.S.C. § 1983 action in which the plaintiff, Terry Guest, alleges excessive force, unreasonable seizure, unlawful arrest, failure to protect, assault, and battery in the course of his arrest on September 17, 2002. Trial is scheduled for July 25, 2005. The following motions are before the Court: (1) motion of separate City defendants, City of Brookland, Mark Rusher,¹ Chief of Police of the City of Brookland, and Aaron Murphy, a police officer for the City of Brookland Police Department, for summary judgment [doc.#21]; (2) motion of separate

¹ Erroneously named by plaintiff in the complaint as Mark Russer.

County defendants, Jack McCann, Sheriff of Craighead County, and deputies Jared Bassham, Ron Richardson, and Leon Johnson, for summary judgment [doc.#25];² (3) motion by plaintiff to extend deadline to respond to defendants' motions for summary judgment pending the deposition of Deputy Leon Johnson and, if necessary, the Scheduling Order and trial date [doc.#28]; (4) motion by plaintiff to compel mediation [doc.#29]; (5) motion by County defendants for separate trial [doc.#32]; and (6) amended motion by plaintiff to extend time to respond to defendants' motions for summary judgment and for continuance [doc.#37].

The Court held a telephone conference to address these motions on the morning of June 30, 2005. For the reasons stated during the conference, the Court grants plaintiff's amended motion [doc.#37] to extend time to respond to defendants' motions for summary judgment and directs that any such responses to the two motions be filed on or before Friday, July 8, 2005. The Court denies at this time plaintiff's motion for a continuance of the trial.³ Plaintiff's motion to compel mediation [doc.#29] and the motion by County defendants for separate trial [doc.#32] are both denied for the reasons stated during the conference.

IT IS SO ORDERED this 30th day of June 2005.


CHIEF JUDGE
UNITED STATES DISTRICT COURT

² The two other named parties, Craighead County Sheriff's Department and Brookland Police Department, were dismissed by Order filed October 25, 2004 [doc.#13]. Thus, all remaining parties are now moving for summary judgment.

³ Plaintiff's initial motion to extend deadline to respond to defendants' motions for summary judgment pending the deposition of Deputy Leon Johnson and, if necessary, the Scheduling Order and trial date [doc.#28] is denied as moot.